

Serial No. 10/680,915  
67067-007

### **REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks. Claim 1 has been amended. New claims 5-24 are presented. Accordingly, claims 1-24 are pending.

Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by either one of *Kemp* or *Kayfetz*. Both *Kemp* and *Kayfetz* disclose axially tubular flexible members which when squeezed, extend radially outward. Claim 1 has been amended to recite that the resilient member is flexible toward said unobstructed hollow shaft during insertion into the pipe and at least partially invertible in response to a retraction of the unobstructed hollow shaft member. Both *Kemp* and *Kayfetz* fails to disclose that the resilient member is at least partially invertible.

The Examiner suggests that for *Kemp*, the "container is readable on the source that is attached to the end of element a that receives plug a'." For *Kayfetz*, the Examiner suggests that the container is readable on the source attached to element 20. Applicant respectfully disagrees with this interpretation. While it is well settled that terms in a claim are to be given their broadest reasonable interpretation in proceedings before the PTO, this interpretation must be consistent with the specification, with the claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Bond*, 910 F.2d 831, 833, 15 USPQ2d 1566, 1567 (Fed Cir. 1990); *In re Sneed*, 710 f.2d 1544, 1548, 218 USPQ 385, 388 (Fed Cir. 1983). *Kemp* discloses that a' is a simple cap. By definition it does not contain but caps or closes. *Kayfetz* fails to disclose anything attached to the valve 20. That is, there is no disclosure which would suggest what, if anything, is attached to valve 20.

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over either one of *Allen* or *McGovern*. *Allen* discloses that the disk 14 slides onto the flexible tubing 18. The disk is not *mounted* to a hollow shaft member. In fact, the tubing 18 is can not be justly construed as a shaft because it is flexible. As discussed above, *McGovern* disclose also discloses a tubular

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flexible members which when squeezed, extend radially outward. *McGovern* fails to disclose or suggest that the resilient member is at least partially invertible.

New claims 5-24 recite further features of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

Please charge \$36 to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for four claims in excess of 20 (small entity). If any additional fees or extensions of time are required, please charge to Deposit Account No. 50-1482.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,  
CARLSON, GASKEY & OLDS, P.C.

  
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